

EXHIBIT E

PO Box 532
Fort Mill, SC 29716-0532
• 103002130730716 D0S.

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688726



PERSONAL & CONFIDENTIAL

VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

FORSTER & GARBUS LLP
A NEW YORK LAW FIRM

RONALD FORSTER - Adm. in NY Only	TESS E. GUNTHER - Adm. in NY & CT
MARK A. GARBUS - Adm. in NY Only	KRISTEN S. MANTYLA - Adm. in NY Only
EDWARD J. DAMSKY - Adm. in NY Only	MICHAEL J. FLORIO - Adm. in NY Only
GLENN S. GARBUS - Adm. in NY, NJ & CT	ANNETTE T. ALTMAN - Adm. in NY Only
JOEL D. LEIDERMAN - Adm. in NY Only	NILI FARZEN - Adm. in NY Only

February 11, 2010

AMOUNT DUE ▶ \$8,273.89
Reference Number ▶ 103002130730716
Account Number ▶ REDACTED 0716
Re ▶ DISCOVER BANK

1-631-393-9400
1-866-805-6850 Ext. 600
Representative Name: MR FRANCHESE
Monday thru Thursday 8:00AM – 9:00PM EST
Friday 8:00AM – 5:00PM EST

Dear Victor C Callender,

The above judgment docketed in court against you remains unpaid. The judgment continues to accrue interest until paid in full. Please contact our office in order to make arrangements to pay your debt and satisfy the judgment.

At this time no attorney with this firm has personally reviewed the particular circumstances of your account.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor. (Please note that we are required, under Federal Law, to advise you that we are debt collectors and any information we obtain will be used in attempting to collect this debt.)

NYC Dept. of Consumer Affairs #1259596.

Please mail all correspondence and payments to the address listed below.

Office Location: 500 Bi-County Blvd, Suite 300, West Wing
Farmingdale, NY 11735-3931

▶ DETACH HERE ▶

MAKE CHECK PAYABLE TO: FORSTER & GARBUS LLP AND RETURN COUPON WITH PAYMENT TO PO BOX 9030, FARMINGDALE, NY 11735-9030 IN ENCLOSED ENVELOPE

VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

AMOUNT DUE ▶ \$8,273.89
Reference Number ▶ 103002130730716
Re ▶ DISCOVER BANK

Rep. Code ▶ 6N
Date ▶ February 11, 2010

➔ Please Note Current

BEST TIME TO CALL

Home Phone # _____

Work Phone # _____

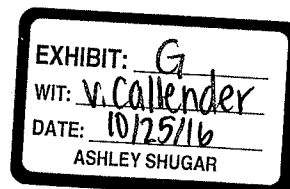
Cell Phone # _____

103002130730716



Forster & Garbus LLP
PO Box 9030
Farmingdale, NY 11735-9030

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EXHIBIT F

FORSTER & GARBUS LLP
A NEW YORK LAW FIRMPO Box 532
Fort Mill, SC 29716-0532
• 103002130730716DSTLJ.9 18 00002942 A
716308RONALD FORSTER - Adm. in NY Only
MARK A. GARBUS - Adm. in NY Only
EDWARD J. DAMSKY - Adm. in NY Only
GLENN S. GARBUS - Adm. in NY, NJ & CT
JOEL D. LEIDERMAN - Adm. in NY Only
TESS E. GUNTHER - Adm. in NY & CT
KRISTEN S. MANTYLA - Adm. in NY Only
MICHAEL J. FLORIO - Adm. in NY Only
ANNETTE T. ALTMAN - Adm. in NY Only
NILI FARZEN - Adm. in NY Only**PERSONAL & CONFIDENTIAL**

May 3, 2010

AMOUNT DUE ▶ \$8,394.57
Reference Number ▶ 103002130730716
Account Number ▶ REDACTED 0716
Re ▶ DISCOVER BANK1-631-393-9400
1-866-235-7975 Ext. 279
Representative Name: MS MARLO
Monday thru Thursday 8:00AM - 9:00PM EST
Friday 8:00AM - 5:00PM EST

VICTOR C CALLENDER

REDACTEDNEW YORK NY **REDACTED**

Dear Victor C Callender,

This office has been authorized to advise you that a settlement of the above account can be arranged. You are being offered a substantial discount off the current balance due.

One payment of \$4,197.29, which we shall expect by May 21, 2010.

Please note that we are not obligated to repeat this offer.

Please return the bottom portion of this letter with your payment. If you are unable to take advantage of the above settlement opportunities, please contact this office so we may arrange a payment plan on the account. (Please note that we are required, under federal law, to advise you that we are debt collectors and any information that we obtain will be used in attempting to collect this debt.)

NYC Dept. of Consumer Affairs #1259596.

Please mail all correspondence and payments to the address listed below.

Please visit our web site, www.fgny.com, to pay your account using your checking account. This option has a small fee, unless you are a resident of Massachusetts, Wisconsin, Idaho, Minnesota, Washington or Colorado. Please use the reference number listed above when making your payment.Office Location: 500 BI-County Blvd, Suite 300, West Wing
Farmingdale, NY 11735-3931**PLEASE CONTACT OUR OFFICE FOR INFORMATION ON LOW COST,
QUICK AND EASY TRANSFER OF FUNDS**

▶ DETACH HERE ▶

MAKE CHECK PAYABLE TO: **FORSTER & GARBUS LLP** AND RETURN COUPON WITH PAYMENT TO PO BOX 9030, FARMINGDALE, NY 11735-9030 IN ENCLOSED ENVELOPE

VICTOR C CALLENDER

REDACTEDNEW YORK NY **REDACTED**AMOUNT DUE ▶ \$8,394.57
Reference Number ▶ 103002130730716
Re ▶ DISCOVER BANKRep. Code ▶ 64
Date ▶ May 3, 2010

➔ Please Note Current

BEST TIME TO CALL

Home Phone # _____

Work Phone # _____

Cell Phone # _____

103002130730716

FGST1
F&GST1.V5
716308

FG 000180

PO Box 532
Fort Mill, SC 29716-0532
.103002130730716DST1J.

B 19 00002890 A
779873

FORSTER & GARBUS LLP
A NEW YORK LAW FIRM

RONALD FORSTER - Adm. in NY Only	TESS E. GUNTHER - Adm in NY & CT
MARK A. GARBUS - Adm. in NY Only	KRISTEN S. MANTYLA - Adm in NY Only
EDWARD J. DAMSKY - Adm. in NY Only	MICHAEL J. FLORIO - Adm in NY Only
GLENN S. GARBUS - Adm. in NY, NJ & CT	ANNETTE T. ALTMAN - Adm in NY Only
JDEL D. LEIDERMAN - Adm. in NY Only	NILI FARZEN - Adm in NY Only
	TINA B. DAVIDSON - Adm in NY Only
	KEVIN M. KNAB - Adm in NY Only

November 2, 2010

PERSONAL & CONFIDENTIAL

AMOUNT DUE > \$8,661.23
Reference Number > 103002130730716
Account Number > REDACTED 0716
Re > DISCOVER BANK



VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

1-631-393-9400
1-866-235-7975 Ext. 279
Representative Name: MS MARLO
Monday thru Thursday 8:00AM - 9:00PM EST
Friday 8:00AM - 5:00PM EST

Dear Victor C Callender,

This office has been authorized to advise you that a settlement of the above account can be arranged. You are being offered a substantial discount off the current balance due.

One payment of \$5,196.74, which we shall expect by November 22, 2010.

Please note that we are not obligated to repeat this offer.

Please return the bottom portion of this letter with your payment. If you are unable to take advantage of the above settlement opportunities, please contact this office so we may arrange a payment plan on the account. (Please note that we are required, under federal law, to advise you that we are debt collectors and any information that we obtain will be used in attempting to collect this debt.)

NYC Dept. of Consumer Affairs #1259596.

Please mail all correspondence and payments to the address listed below.

Please visit our web site, www.fgnny.com, to pay your account using your checking account. This option may have a small fee. No fee is charged if you are a resident of Massachusetts, Wisconsin, Idaho, Minnesota, Washington or Colorado. Please use the reference number listed above when making your payment.

Office Location: 500 Bi-County Blvd, Suite 300, West Wing
Farmingdale, NY 11735-3931

**PLEASE CONTACT OUR OFFICE FOR INFORMATION ON LOW COST,
QUICK AND EASY TRANSFER OF FUNDS**

♦ DETACH HERE ♦

MAKE CHECK PAYABLE TO: FORSTER & GARBUS LLP as attorneys AND RETURN COUPON WITH PAYMENT TO PO BOX 9030, FARMINGDALE, NY 11735-9030 IN ENCLOSED ENVELOPE

VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

AMOUNT DUE > \$8,661.23
Reference Number > 103002130730716
Re > DISCOVER BANK

Rep. Code > 64
Date > November 2, 2010

➔ Please Note Current BEST TIME TO CALL

Home Phone # _____

Work Phone # _____

Cell Phone # _____

103002130730716



FGST1
F&GST1.V5
779873

FORSTER & GARBUS LLP
A NEW YORK LAW FIRMPO Box 532
Fort Mill, SC 29716-0532
•103002130730716JST3L•

RONALD FORSTER - Adm. In NY Only	ANNETTE T. ALTMAN - Adm. In NY Only
MARK A. GARBUS - Adm. In NY Only	BETH BURZIN - Adm. In NY Only
EDWARD J. DAMSKY - Adm. In NY Only	NILI FARZEN - Adm. In NY Only
GLENN S. GARBUS - Adm. In NY, NJ & CT	MICHAEL J. FLORIO - Adm. In NY Only
JOEL D. LEIDERMAN - Adm. In NY Only	AMY GAVLIK - Adm. In NY Only
	TESS E. GUNTHER - Adm. In NY & CT
	EDWARD C. KLEIN - Adm. In NY Only
	KEVIN M. KNAB - Adm. In NY Only
	MICHAEL S. LEINOFF - Adm. In NY Only

February 15, 2011

PERSONAL & CONFIDENTIAL

AMOUNT DUE ▶ \$8,817.65
 Reference Number ▶ 103002130730716
 Account Number ▶ REDACTED 0716
 Re ▶ DISCOVER BANK



VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

1-631-393-9400
 1-866-236-7975 Ext. 279
 Representative Name: MS MARLO
 Monday thru Thursday 8:00AM – 9:00PM EST
 Friday 8:00AM – 5:00PM EST

Dear Victor C Callender,

This office has been authorized to advise you that a settlement of the above account can be arranged. You are being offered a substantial discount off the current balance due. You may choose one of the three payment options as follows:

- A. One payment of \$4,408.83, which we shall expect by February 28, 2011.
- B. Two payments of \$2,645.30 each, totaling \$5,290.60 which we shall expect by February 28, 2011, and March 21, 2011.
- C. Three payments of \$2,057.45 each, totaling \$6,172.35, which we shall expect by February 28, 2011, March 21, 2011, and April 21, 2011.

Please note that we are not obligated to repeat this offer.

Please return the bottom portion of this letter with your selection checked to confirm your settlement choice. If you are unable to take advantage of the above settlement opportunities, please contact this office so we may arrange a payment plan on the account. (Please note that we are required, under federal law, to advise you that we are debt collectors and any information that we obtain will be used in attempting to collect this debt.)

NYC Dept. of Consumer Affairs #1259596.

Please mail all correspondence and payments to the address listed below.

Please visit our web site, www.fgny.com, to pay your account using your checking account. This option may have a small fee. No fee is charged if you are a resident of Massachusetts, Wisconsin, Idaho, Minnesota, Washington or Colorado. Please use the reference number listed above when making your payment.

Office Location: 60 Motor Parkway
 Commack, NY 11725-5710

**PLEASE CONTACT OUR OFFICE FOR INFORMATION ON LOW COST,
 QUICK AND EASY TRANSFER OF FUNDS**

* DETACH HERE *

MAKE CHECK PAYABLE TO: FORSTER & GARBUS LLP as attorneys AND RETURN COUPON WITH PAYMENT TO PO BOX 9030, COMMACK, NY 11725-9030 IN ENCLOSED ENVELOPE

Please select a payment option: ☐ A ☐ B ☐ C

VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

AMOUNT DUE ▶ \$8,817.65
 Reference Number ▶ 103002130730716
 Re ▶ DISCOVER BANK

Rep. Code ▶ 64
 Date ▶ February 15, 2011

➔ Please Note Current

BEST TIME TO CALL

Home Phone # _____

Work Phone # _____

Cell Phone # _____

103002130730716



FGST3
 F&GST3.V4
 818172

FG 000182

FORSTER & GARBUS LLP
A NEW YORK LAW FIRMPO BOX 532
FORTMILL, SC 29716-0532
103002130730716DST1J.4 6 00000926 A
871292RONALD FORSTER - Adm. in NY Only
MARK A. GARBUS - Adm. in NY Only
EDWARD J. DAMSKY - Adm. in NY Only
GLENN S. GARBUS - Adm. in NY, NJ & CT
JOEL D. LEIDERMAN - Adm. in NY OnlyANNETTE T. ALTMAN - Adm. in NY Only
BETH BURZIN - Adm. in NY Only
NILI FARZEN - Adm. in NY Only
MICHAEL J. FLORIO - Adm. in NY Only
AMY GAVLIK - Adm. in NY Only
TESS E. GUNTHER - Adm. in NY & CT
EDWARD C. KLEIN - Adm. in NY Only
KEVIN M. KNAB - Adm. in NY Only
MICHAEL S. LEINOFF - Adm. in NY Only**PERSONAL & CONFIDENTIAL**

June 29, 2011

BALANCE DUE as of June 29, 2011 ▶ \$9,017.31
Reference Number ▶ 103002130730716
Account Number ▶ REDACTED 0716

Re ▶ DISCOVER BANK

1-631-393-9400

1-866-235-7975 Ext. 279

Representative Name: MS MARLO

Monday thru Thursday 8:00AM - 9:00PM EST
Friday 8:00AM - 5:00PM EST

VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

*** Special Tax Season Savings Opportunity! Take advantage of the reduced settlement offer for the current tax season! ***

Dear Victor C Callender,

This office has been authorized to advise you that a settlement of the above account can be arranged. You are being offered a substantial discount off the current balance due.

One payment of \$3,156.06, which we shall expect by July 18, 2011.

Please note that we are not obligated to repeat this offer.

Please return the bottom portion of this letter with your payment. If you are unable to take advantage of the above settlement opportunities, please contact this office so we may arrange a payment plan on the account.

Interest and other charges may subsequently accrue to this account; therefore, the amount due on the day you pay may be greater. (Please note that we are required, under federal law, to advise you that we are debt collectors and any information that we obtain will be used in attempting to collect this debt.)

NYC Dept. of Consumer Affairs #1259596.

Please mail all correspondence and payments to the address listed below.

Please visit our web site, www.fgny.com, to pay your account using your checking account. This option may have a small fee. No fee is charged if you are a resident of Massachusetts, Wisconsin, Idaho, Minnesota, Washington or Colorado. Please use the reference number listed above when making your payment.Office Location: 60 Motor Parkway
Commack, NY 11725-5710**PLEASE CONTACT OUR OFFICE FOR INFORMATION ON LOW COST,
QUICK AND EASY TRANSFER OF FUNDS**

◀ DETACH HERE ▶

MAKE CHECK PAYABLE TO: FORSTER & GARBUS LLP as attorneys AND RETURN COUPON WITH PAYMENT TO PO BOX 9030, COMMACK, NY 11725-9030 IN ENCLOSED ENVELOPE

VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

BALANCE DUE as of June 29, 2011 ▶ \$9,017.31
Reference Number ▶ 103002130730716

Re ▶ DISCOVER BANK

Rep. Code ▶ T9

Date ▶ June 29, 2011

➔ Please Note Current

BEST TIME TO CALL

Home Phone # _____

Work Phone # _____

Cell Phone # _____

103002130730716

Forster & Garbus LLP
PO BOX 9030
COMMACK, NY 11725-9030FGST1
F&GST1.V6
871292

FG 000178

FORSTER & GARBUS LLP
A NEW YORK LAW FIRMPO BOX 532
FORTMILL, SC 29716-0532
• 103002130730716 DST3L •B 12 00001888 A
950794RONALD FORSTER - Adm. in NY Only
MARK A. GARBUS - Adm. in NY Only
EDWARD J. DAMSKY - Adm. in NY Only
GLENN S. GARBUS - Adm. in NY, NJ & CT
JOEL D. LEIDERMAN - Adm. in NY OnlyANNETTE T. ALTMAN - Adm in NY Only
RONALD J. FERRARO - Adm in NY Only
MICHAEL J. FLORIO - Adm in NY Only
AMY GAVLIK - Adm in NY Only
TESS E. GUNTHER - Adm in NY & CT
EDWARD C. KLEIN - Adm in NY Only
KEVIN M. KNAB - Adm in NY Only
MICHAEL S. LEINOFF - Adm in NY Only
JAMES J. TIERNEY - Adm in NY Only**PERSONAL & CONFIDENTIAL**

December 30, 2011

BALANCE DUE as of December 30, 2011 ▶ \$9,291.46
Reference Number ▶ 103002130730716
Account Number ▶ REDACTED 0716

Re ▶ DISCOVER BANK

VICTOR C CALLENDER
REDACTED

NEW YORK NY REDACTED

1-631-393-9559
1-877-709-6886 Ext. 559
Representative Name: MS TEJADA
Monday thru Thursday 8:00AM - 9:00PM EST
Friday 8:00AM - 5:00PM EST

Dear Victor C Callender,

This office has been authorized to advise you that a settlement of the above account can be arranged. You are being offered a substantial discount off the current balance due. You may choose one of the three payment options as follows:

- A. One payment of \$4,645.73, which we shall expect by January 23, 2012.
- B. Two payments of \$2,787.44 each, totaling \$5,574.88 which we shall expect by January 23, 2012, and February 20, 2012.
- C. Three payments of \$2,168.01 each, totaling \$6,504.03, which we shall expect by January 23, 2012, February 20, 2012, and March 20, 2012.

Please note that we are not obligated to repeat this offer.

Please return the bottom portion of this letter with your selection checked to confirm your settlement choice. If you are unable to take advantage of the above settlement opportunities, please contact this office so we may arrange a payment plan on the account.

Please note that we are required, under federal law, to advise you that we are debt collectors and any information we obtain will be used in attempting to collect this debt.

Forster & Garbus LLP NYC Dept. of Consumer Affairs #1259596.

Please mail all correspondence and payments to the address listed below.

Office Location: 60 Motor Parkway
Commack, NY 11725-5710

* DETACH HERE *

MAKE CHECK PAYABLE TO: FORSTER & GARBUS LLP as attorneys AND RETURN COUPON WITH PAYMENT TO PO BOX 9030, COMMACK, NY 11725-9030 IN ENCLOSED ENVELOPEPlease select a payment option: ☐ A ☐ B ☐ C

VICTOR C CALLENDER

REDACTED
NEW YORK NY REDACTEDBALANCE DUE as of December 30, 2011 ▶ \$9,291.46
Reference Number ▶ 103002130730716

Re ▶ DISCOVER BANK

Rep. Code ▶ DC
Date ▶ December 30, 2011

➔ Please Note Current

BEST TIME TO CALL

Home Phone # _____

Work Phone # _____

Cell Phone # _____

103002130730716

Forster & Garbus LLP
PO BOX 9030
COMMACK, NY 11725-9030FGST3
F&GST3.V4
850794

FG 000179

EXHIBIT G

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 Case No.: 1:15-cv-05813-AKH

5 -----x
6 VICTOR CALLENDER,

7 Plaintiff,

8 - against -

9 FORSTER & GARBUS, LLP and
10 DISCOVER BANK,

11 Defendants.
12 -----x

13 477 Madison Avenue
14 New York, New York
15 October 25, 2016
16 12:31 p.m.

17 DEPOSITION of VICTOR CALLENDER, the
18 Plaintiff in the above-entitled action,
19 held at the aforementioned time and place,
20 taken before Ashley Shugar, a Shorthand
21 Reporter and Notary Public of the State of
22 New York, pursuant to the Federal Rules of
23 Civil Procedure, Notice and stipulations
24 between Counsel.

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V. CALLENDER

write -- I wrote the State because I wanted
to find out what it was.

Q. Are you talking about the New
York City Department of Consumer Affairs?

A. Right. Yeah, that's the --

Q. Okay.

A. -- that's them, yeah. So --
because I -- I went over that stuff.

Q. And the letters --
You said you received letters
from Forster & Garbus?

A. Right.

Q. About how many letters did you
receive from --

A. Five.

Q. I'm sorry?

A. Five.

Q. About five letters?

A. Uh-huh.

Q. Did you meet with your attorney
to prepare for deposition?

MR. KESHAVERZ: She's not
asking you what was said.

V. CALLENDER

Q. Did you ever testify in court before?

A. Yes.

Q. And when was that?

A. That was in -- in 2012. That's when I had to go see about the case. When I filed a motion -- a motion to vacate, I had a court order so I had to go for the court for that.

Q. And when you're talking about "the case," are you talking about the Discover Bank matter?

A. Yes.

Q. Is that the only time you testified in court?

A. No. I had two other judgments that I had to testify.

Q. And what -- let's take one at a time.

What was -- what was one judgment that you had to testify?

A. I think it was Citibank. I can't remember the other name -- the other one.

V. CALLENDER

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Q. And when was that?

A. In the same -- in the same year.

Q. So that was in 2012 --

A. 2012.

Q. -- as well?

A. In the same year, around the same time around. I can't remember the months, but I know it was between January and -- and August all that stuff went down.

Q. And was there a judgment against you in Citibank?

A. Yes, there was a judgment against me, that's why I had to go to court. There was two -- there was two judgments -- no, three judgments, the Discover, Citibank, and the other one I can't remember.

Q. You can't remember the third one?

A. I think it was Chase. I don't know if it was Chase. I'm not sure.

Because they have different names. Like they have -- I know it was AS-

1 V. CALLENDER

2 -- A- -- AIS and then there was -- I don't
3 know if that's the same as Mel Harris. I
4 don't know, so I'd have to look at the --
5 the documents to --

6 Q. Well, I'm -- I'm going to get
7 back to the Discover Bank one, but let's
8 just take these other ones --

9 A. Yeah.

10 Q. -- one at a time.

11 The Citibank one --

12 A. Uh-huh.

13 Q. -- when did you learn that you
14 had a judgment -- that Citibank had a
15 judgment against you?

16 A. The same day I went -- the same
17 day I found out about the judgment against
18 me for -- for this case --

19 Q. So did you --

20 A. -- the Discover.

21 Q. So did you find out that there
22 were three judgments against you the same
23 day?

24 A. Yeah.

25 Q. And tell me how you came to

V. CALLENDER

1
2 know that.

3 A. Well, I -- when I pulled a
4 credit report.

5 Q. And when did you do that credit
6 report, do you remember?

7 A. I can't remember the exact --
8 that was in 2012. I remember my birthday
9 in 2012, but I can't remember exactly the
10 day when I pulled that.

11 Q. And what was --

12 A. I know when I -- I pulled it,
13 and then I went to the courts to ask
14 questions and they told me that I needed to
15 file a motion to vacate, something like
16 that.

17 Q. What was the reason that you
18 obtained a credit report in 2012?

19 A. What was the reason? I don't
20 know. I was going -- I was going -- I went
21 to a financial seminar or something like
22 that and they said that's one of the things
23 I needed to do, so I went and pulled the
24 credit report, you know.

25 Q. Was there anything else on the

1 V. CALLENDER

2 judge gave me I gave to the attorney -- to
3 the attorney.

4 Q. Did you have a credit card with
5 Discover Bank?

6 A. If there's a judgment against
7 me and my name on it, yes, I did.

8 Q. Now, in terms of the three
9 judgments, two of which you testified were
10 vacated and one of which you settled
11 with --

12 A. Right.

13 Q. -- do you recall which judgment
14 you vacated first? Was it the Discover
15 Bank or the Chase?

16 A. I can't remember which one
17 was -- was first.

18 Q. Was it a month apart? Two
19 months apart?

20 A. I can't remember.

21 Q. Now, you testified earlier that
22 you received several letters, approximately
23 five, from Forster & Garbus?

24 A. Uh-huh.

25 Q. Can you tell me what they said,

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V. CALLENDER

what you recall?

A. They were saying that I owed 9- -- like around \$9,000, to Forster & Garbus. That's what I remember.

Q. And is it your understanding that all of those five letters said the same thing, that you owed that amount of money?

A. Yeah, and I had a case that was vacated so there was no way that I could owe \$9,000. I was free at that time.

Q. Did you ever tell Forster & Garbus that you vacated the judgment?

A. No. I -- I sent them a letter -- I sent them -- I remember sending them a letter asking them to prove that I owe that money. That's what I did.

Q. And what did you tell them in that letter?

A. I can't remember off the top of my head what I told them. It was a long letter.

Q. I'm sorry, I didn't --

A. It was a long letter so I can't

1 V. CALLENDER

2 remember word-for-word. But I just wanted
3 them to show me proof that I owed them that
4 money because I didn't know who Forster &
5 Garbus was. And that year, I had -- I had
6 cases that was vacated so I didn't owe
7 anybody any money so I don't know where
8 this \$10,000 or 9,000 and change was coming
9 from.

10 MS. LASTORINO: Can you mark
11 that.

12 (Defendant's Exhibit D, a
13 letter dated October 23, 2012, Bates
14 stamped FG_000008 and FG_000010, was
15 marked for identification.)

16 BY MS. LASTORINO:

17 Q. Can you take a look at what's
18 been marked as Exhibit D, please.

19 MR. KESHAVARZ: Do you have a
20 copy for me?

21 MS. LASTORINO: I don't have
22 any copies. You don't have to --
23 you're asking me every time, it's
24 going to be the same answer.

25 Oh, actually, if you want to

EXHIBIT H

Civil Court of the City of New York
County of New York

Index Number: CV-032484-05/NY



DISCOVER BANK IOT DISCOVER CARD
-against-
VICTOR C CALLENDER

ORDER TO SHOW CAUSE

To restore case to the calendar and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of VICTOR C CALLENDER, sworn to on May 22, 2012, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

111 Centre Street, New York, NY 10013

Part 34C - SRL - Procedural Motions - Cons Debt, Room 428

on June 20, 2012 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

_____ by Personal Service by "In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
☒ by First Class Mail with official Post Office
Certificate of Mailing

_____ by Personal Service by "In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
_____ by First Class Mail with official Post Office
Certificate of Mailing

on or before 5-10-12, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney or party:
Mann Bracken LLP (Counsel for Plt), at 120 Allens Creek Road,
Rochester, NY 14618-

Sheriff/Marshal:
(none)
none
none, NY 00000-

May 22, 2012
DATE

Hon. Arlene P. Bluth, Civil Court Judge (NYC)

EXHIBIT: E
WIT: V. Callender
DATE: 10/25/16
ASHLEY SHUGAR

Callender 114

Civil Court of the City of New York
COUNTY OF Bronx

Discover Bank
Issuer of the Discover Card
3311 Mill Meadow Drive, Hilliard, OH 43026
Claimant(s)/Plaintiff(s)

against
Victor C. Callender
New York Defendant(s)

(PLEASE PRESS HARD)
Index No. 32484 NYCV 2005
AFFIDAVIT IN SUPPORT OF
ORDER TO SHOW CAUSE
To Vacate a Judgment and to Restore
to the Calendar

Address:

REDACTED

Bronx, NY **REDACTED**

State of New York, County of Bronx ss:

being duly sworn, deposes and says:

Defendant's Initials

1
PARTY

a) I am the party named as defendant in the above entitled action.

2
SERVICE

a) I have been served with a summons and complaint in this action (NOTE: If Small Claims skip #3, go to #4.)
b) I have not been served, and my first notice of legal action was (NOTE: If you complete any of #2b, skip #3, #4 & #5, go to #6).

a notice of Default Judgment mailed to me
a Restraining Notice on my bank account
a copy of an Income Execution served on
Other:

Credit Report 3/20/2012

3
APPEAR-
ANCE

a) I did not appear and answer in the Clerk's Office because (NOTE: If you complete #3a, skip to #6.)
I did not know about lawsuit.

b) I did appear and answer in the Clerk's Office
and I received a date for trial
but the answer was entered late.
Other:

4
TRIAL

On the Date of Trial before Judge/Arbitrator
a stipulation (a written agreement) was made between claimant/plaintiff and defendant.
a judgment was entered after the trial.
a judgment was entered against me by default for my failure to appear.
Other:

5
EXCUSE

My reason for not
complying with the stipulation is
following the order of the Court is
appearing in court on the date scheduled for trial is
Other:

6
DEFENSE

VC I allege that I have a good defense because:

I was never served. The first time I became aware of lawsuit was when I got a credit report indicating a judgment against me. I

7
PRIOR

a) I have not had a previous Order to Show Cause regarding this index number
b) I have had a previous Order to Show Cause regarding this index number but I am making this further dispute the amount of time, I am disadvantaged defendant this action because I no longer have records.

8. VC I request that the Judgment be vacated, that the case be restored to the calendar, and permission to serve these papers in person.

Sworn to before me this 3 day of May 2012

Clifford B. DeSoye
(Signature of Court Employee and Title)

Victor C. Callender
(Signature of Defendant)

CCV-CF-17 (Rev. 11/07)

County of Westchester
Reg # 102 DE 088 258 EXP 4/10/2015

FREE CIVIL COURT FORM

No fee may be charged to fill in this form

Form can be found at <http://www.nycourts.gov/courts/civil/forms.shtml>

Prepared with the assistance of the Bronx CLARO Program by B. DeSoye

Callender 115

EXHIBIT I

60 Motor Parkway
Commack, NY 11725-5710
103002130730716

8 14 00002680 A
146723

NEW YORK LAW FIRM
PREET CHHABRA - Adm. in NY Only
OLIVIA DEBELLIS - Adm. in NY Only
RONALD J. FERRARO - Adm. in NY Only
MICHAEL J. FLORIO - Adm. in NY Only
AMY GAVLIK - Adm. in NY Only
TESS E. GUNTHER - Adm. in NY & CT
EDWARD C. KLEIN - Adm. in NY Only
KEVIN M. KNAB - Adm. in NY Only
MICHAEL S. LEINOFF - Adm. in NY Only
JAMES J. TIERNEY - Adm. in NY Only



PERSONAL & CONFIDENTIAL



July 2, 2012

BALANCE DUE as of July 2, 2012 ▶ \$9,567.08
Reference Number ▶ 103002130730716
Account Number ▶ XXXXXXXXXXXXX0716

Re ▶ DISCOVER BANK

1-831-393-9400
1-877-319-6838 Ext. 375
Representative Name: MS MARLOWE
Monday thru Thursday 8:00AM - 9:00PM EST
Friday 8:00AM - 5:00PM EST



VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

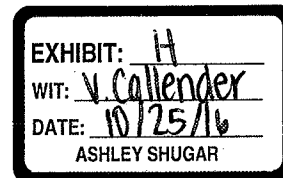
Dear Victor C Callender,

This office has been authorized to advise you that a settlement of the above account can be arranged. To take advantage of this savings opportunity, please contact this office. Do not delay --- call this office to take advantage of this terrific opportunity.

Please note that we are not obligated to repeat this opportunity.

Please note that we are required, under federal law, to advise you that we are debt collectors and any information we obtain will be used in attempting to collect this debt.

Forster & Garbus LLP NYC Dept. of Consumer Affairs #1259596.



Office Location: 60 Motor Parkway
Commack, NY 11725-5710

★ DETACH HERE ★

MAKE CHECK PAYABLE TO: FORSTER & GARBUS LLP as attorneys AND RETURN COUPON WITH PAYMENT TO PO BOX 9030, COMMACK, NY 11725-9030 IN ENCLOSED ENVELOPE.

VICTOR C CALLENDER

REDACTED

NEW YORK NY REDACTED

BALANCE DUE as of July 2, 2012 ▶ \$9,567.08
Reference Number ▶ 103002130730716

Re ▶ DISCOVER BANK

Rep. Code ▶ DC
Date ▶ July 2, 2012

→ Please Note Current

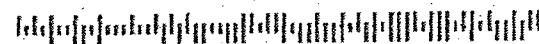
BEST TIME TO CALL

Home Phone # _____

Work Phone # _____

Cell Phone # _____

103002130730716



Forster & Garbus LLP
PO Box 9030
Commack, NY 11725-9030

FGW
P&GW V4
146723
10/25/16

Callender 3

EXHIBIT J

4129374

October 23, 2012

Forster & Garbus, LLP
PO Box 9030
Commack, NY 11725-9030

Re: [Discover Bank]; Account Number [REDACTED]0716]

Dear Sir or Madam:

I am disputing the debt listed above and request that you verify this debt and provide me written documentation of the alleged debt as required by the Fair Debt Collection Practices Act (section 1692g) and New York City Administrative Code (section 20-493.2). Specifically, mail me the following information, all of which is required to verify a debt under section 2-190 of the Rules of the City of New York:

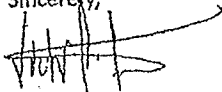
- A copy of my original application or sales agreement, so that I can identify my signature;
- A copy of the final statement on the account, issued by the original creditor;
- A copy of any judgment for this debt;
- The total amount due, including a breakdown showing principal, interest, and other charges
- For all other charges, the date and basis of each charge.

I do not owe this debt and dispute it because I believe I was a victim of identity theft. I have never had an account with Discover Bank and this creditor under Account Number 103002130730716 does not appear on my credit report.

Pursuant to the FDCPA, cease all collection activity until you provide verification of the debt. You may not report this debt to the credit reporting agencies while it is in dispute. If you have already reported it, contact the reporting agencies, inform them the debt is disputed, and ask them to delete it from my credit report. Failing to report information correctly or knowingly reporting inaccurate information violates the Fair Credit Reporting Act.

Aside from verifying the debt in writing, cease all contact with me about this debt.

Sincerely,



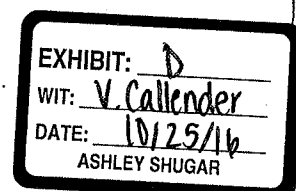
Victor Callendar

[REDACTED]

Bronx, NY [REDACTED]

cc: FTC-Consumer Response Center
NYC Dept. of Consumer Affairs

Enclosed: Excerpts from credit report



FG_000008

Type:	TransUnion	Experian	Equifax
Status:	Judgment	Judgment	Judgment
Date Filed/Reported:	Filed	Filed	Filed
Reference#:	0123/2007	0123/2007	0123/2007
Closing Satisfied:	6053506	6053506	6053506
Action Amount:	\$3689	Paid	
Court:	CVL CT OF CITY OF NY		
Plaintiff:	AIS SERVICE LTD		
Remarks:	LIABILITY CO		
Legal Item	TransUnion	Experian	Equifax
Type:	Judgment	Judgment	Judgment
Status:	Filed	Filed	Filed
Date Filed/Reported:	12/21/2005	01/01/2007	01/01/2007
Reference#:	3268405	6053506	6053506
Closing Satisfied:			
Action Amount:	\$3689		
Court:		City & County Government	
Plaintiff:		AIS SERVICE LTD	
Remarks:		LIABILITY CO	
Legal Item	TransUnion	Experian	Equifax
Type:	Judgment	Judgment	Judgment
Status:	Filed	Filed	Filed
Date Filed/Reported:	12/21/2005		
Reference#:	3268405		
Closing Satisfied:			
Action Amount:	\$3689	Paid	
Court:			
Plaintiff:	DISCOVER BANK		
Remarks:			
Legal Item	TransUnion	Experian	Equifax
Type:	Judgment	Judgment	Judgment
Status:	Filed	Filed	Filed
Date Filed/Reported:	08/22/2006	08/22/06	
Reference#:	1983208		
Closing Satisfied:			
Action Amount:	\$3583	Paid	
Court:			
Plaintiff:	RUSHMORE		
Remarks:	RECOVERIES XI		
Legal Item	TransUnion	Experian	Equifax
Type:	Judgment	Judgment	Judgment
Status:	Filed	Filed	Filed
Date Filed/Reported:	08/22/2006	08/22/06	
Reference#:	1983208		
Closing Satisfied:			
Action Amount:	\$3583	Paid	
Court:			
Plaintiff:	RUSHMORE		
Remarks:	RECOVERIES XI LLC		
Legal Item	TransUnion	Experian	Equifax
Type:	Judgment	Judgment	Judgment
Status:	Filed	Filed	Filed
Date Filed/Reported:	08/22/2006	08/22/06	
Reference#:	1983208		
Closing Satisfied:			
Action Amount:	\$3583	Paid	
Court:			
Plaintiff:	RUSHMORE		
Remarks:	RECOVERIES XI LLC		

Cent Bank, Paid 3/1/16
1/2003 - 4/2012
(945)

EXHIBIT K

Voltage SecureMail - Fraud Claim

Page 1 of 1

RECEIVED

DEC 28 2012 mtdispute@discover.com Help Sign Out

**HR DISPUTE
NRC**

Reply Reply to All Forward

Microsoft Exchange Hosted Encryption

From: tfinnerty@gny.com (Authenticated by encryption.messaging.microsoft.com) Valid Signature (Help)

To: mtdispute@discover.com

Sent: Tue Dec 18, 2012 11:22 AM (8 days ago)

Subject: Fraud Claim

Attached: Victor G Callender.pdf (2,053K) - View/Download

Account# REDACTED 0716

Victor G Callender
REDACTED
Bronx, NY REDACTED

Good morning,

Received letter from debtor who claims that he is a victim of identity theft, and that he never had an account with Discover. Requests validation of debt and that we immediately cease and desist all contact with him.

Thank you,

Thomas Finnerty
Forster & Garbus, LLP
60 Motor Parkway
Commack, NY 11725
Ph: 800-245-9943 Ext. 648
Fax: 631-393-9487
Email: tfinnerty@gny.com

Exchange Hosted Encryption
Learn More

Reply Reply to All Forward

Email Security Powered by Voltage 100% Copyright 2011 Microsoft Corporation. All rights reserved. Legal Privacy

DEC 28 2012

FG_000051

EXHIBIT L

Our fraud & dispute dept is still investigating.

Thank you
Tammy

> From: tfinnerty@fgny.com
> Sent: Jan 18, 2013 11:39:17 AM PST
> To: mrdispute@discover.com
> Subject: RE: Fraud Claim

>
> Good afternoon,
>
> Can I please have an update on the status of this investigation?
>
> Thank you.

>> From: mrdispute@discover.com
>> Sent: Dec 28, 2012 6:35:47 AM PST
>> To: tfinnerty@fgny.com
>> Subject: RE: Fraud Claim

>>
>> FROM: MRDISPUTE

>>
>> Please suspend all collection efforts at this time on account
>> > REDACTED 0716 Victor C Callender. The account will be forward
>> to our fraud dept once all documents are received from your office.
>> Fraud will update the status once they have received all dispute
>> documents. Please send all docs immediately. Regarding future
>> disputes of fraud, please attached docs with email or fax to
>> 614-283-4403. Please send all fraud documents you have on file
>> including how we reach the person making the fraud allegation and
>> if > the cardmember is represented by an attorney. Also please
>> include > copies of any answer filed, all internal notes, judgment
>> (if > applicable) and all other documents pertaining to this account
>> excluding statements and term level agreements
>>
>> Once our investigation is complete your office will see a change in
>> status indicating the investigation is complete and you can resume
>> collection efforts. Copies of letters sent to the cardmember
>> regarding our investigation will be mailed to your office to retain
>> on file. If we determine the fraud or dispute to be valid the
>> account > will be recalled from your office.

>>
>> Tammy Cox | Discover Financial Services
>> Vendor Liaison | NRC New Albany
>> P. 800-347-4861 F. 614-283-4403

>>> From: tfinnerty@fgny.com
>>> Sent: Dec 18, 2012 8:22:14 AM PST
>>> To: mrdispute@discover.com
>>> Subject: Fraud Claim

>>> Account# REDACTED0716

>>> Victor C Callender
>>> REDACTED
>>> Bronx, NY REDACTED

>>> Good morning,
>>>
>>> Received letter from debtor who claims that he is a victim of
>>> identity theft, and that he never had an account with Discover.
>>> Requests validation of debt and that we immediately cease and
>>> desist > all contact with him.

>>> Thank you,
>>>
>>> Thomas Finnerty
>>> Forster & Garbus, LLP
>>> 60 Motor Parkway
>>> Commack, NY 11725
>>> Ph: 800-245-9943 Ext. 648
>>> Fax: 631-393-9487
>>> Email: tfinnerty@fgny.com

FG_000054

EXHIBIT M

Tejada, Idania

From: Miller, Scott
Sent: Friday, February 22, 2013 11:17 AM
To: Viscecchia, Anne; Tejada, Idania
Subject: Fw: account REDACTED 0716

From: richspringer@discover.com (Authenticated by encryption.messaging.microsoft.com) ☐ Valid
Signature (Help)
To: cmontoya@fgny.com, eforster@fgny.com, mgarbus@fgny.com, rforster@fgny.com,
SMiller@fgny.com
Sent: Fri Feb 22, 2013 11:04 AM (10 minutes ago)
Fw: account REDACTED 0716
Subject:

Follow from yesterday -
Victor Callender balance is valid due to the signed application.
Signature on application matches cardmembers signature. The response
letter will be sent to cm soon.

Richard Springer | Discover
Manager, National Recovery Bankruptcy Department
6500 New Albany Rd., New Albany, OH 43054
614-283-1090 richspringer@discover.com

The balance is being held valid due to the signed application. Signature
on app matches cardmembers signature. The response letter will be sent to
cm soon.

Could you please let me know the outcome of the Victor Callender
verification of debt for Forster? Can they start collections? It was an ID
theft dispute.

Richard Springer | Discover
Manager, National Recovery Bankruptcy Department
6500 New Albany Rd., New Albany, OH 43054
614-283-1090 richspringer@discover.com

This text enables <==--ENCRYPTION--==> for external recipients. Please
don't modify the contents of this section.

Please consider the environment before printing this email.

FG_000060

EXHIBIT N

DISCOVER

P. O. Box 3025
New Albany, OH 43054-3025

March 12, 2013

Victor C Callender

REDACTED

New York, NY REDACTED

Discover Card Account ending in: 0716

Dear Mr. Callender:

We have completed the investigation of the above referenced account. We found the account and balance to be valid. Enclosed please find:

> Copy of the application

Our records indicate the address has remained the same throughout the history of the account with no prior mention of dispute.

We have forwarded our findings to Attorneys Forster & Garbus at 1-800-245-9943. Please contact their office for further questions regarding the account and balance.

Sincerely,

C. Bayes

C. Bayes
Sr. Dispute Investigator
Discover Card
Enclosure(s)

This is an attempt to collect a debt and any information obtained may be used for that purpose.

FG_000061

EXHIBIT O

URBAN
JUSTICE
CENTER

April 15, 2015

Re: Index No. 032484-05/NY
Discovery Bank vs. Victor C. Callender
Income Execution

Forster & Garbus, LLP
60 Motor Parkway
P.O. Box 9090
Commack, NY 11725

To Whom it May Concern:

On January 2, 2015 your office sent an income execution to Mr. Victor Callender's employer requesting remittance of 10% of his wages to satisfy a judgment that was allegedly entered against him for the amount of \$11,517.27, including interest and marshal fees. It is my belief that you are enforcing a judgment that was initially entered against Mr. Callender on default, but was later *vacated and dismissed*. I have enclosed for your review a copy of the decision entered by Judge Reed on June 19th, 2012 granting Mr. Callender's Order to Show Cause vacating the judgment and a later decision by Judge Bluth entered on August 20, 2012 dismissing the action entirely.

I request that you immediately cease garnishing his wages and return the money deducted from his salary within 10 days of receipt of this letter. If you have documentation that you are in fact collecting pursuant to a lawful judgment, please forward that immediately. Please

123 WILLIAM STREET, 16th FLOOR, NY, NY 10038
P: 646 602 5600 • F: 212 533 4598 • W: URBANJUSTICE.ORG

FG_000067

contact me at your earliest convenience to discuss. My direct line is 646-459-3010.

Very truly yours,

A handwritten signature in black ink, appearing to read 'La Elfant', written in a cursive style.

Lauren Elfant, Esq.
Staff Attorney
Urban Justice Center

Enclosed document:

- Decision/Order Index No. CV 032484-05/NY
- Decision/Order Dismissing Action NAP Index. No. CV-032484-05/NY

EXHIBIT P

RONALD FORSTER - Adm. In NY Only
MARK A. GARBUS - Adm. In NY Only

EDWARD J. DAMSKY - Adm. In NY Only
JOEL D. LEIDERMAN - Adm. In NY Only

FORSTER & GARBUS LLP
A NEW YORK LAW FIRM
60 MOTOR PARKWAY
P.O. BOX 9030
COMMACK, N.Y. 11725
(831) 393-9400
Fax (831) 393-9490

ANNETTE T. ALTMAN - Adm. In NY Only
OLIVIA DEBELLIS - Adm. In NY Only
MICHAEL C. DIGIARO - Adm. In NY & NJ
RONALD J. FERRARO - Adm. In NY & NJ
MICHAEL J. FLORIO - Adm. In NY Only
AMY GAVLIK - Adm. In NY Only
TESS E. GUNTHER - Adm. In NY & CT
KEVIN M. KNAB - Adm. In NY Only
VALERIE E. WATTS - Adm. In NY Only

April 21, 2015

Urban Justice Center
Lauren Elfant, Esq.
123 William Street, 16th Fl
New York, New York 10038

Re: Discover Bank vs. Victor C. Callender

Dear Ms. Elfant:


Enclosed, please find the reimbursement checks for your client.

Please be advised that we have closed our file.

Should you have any questions, please contact the undersigned.

Very truly yours,

FORSTER & GARBUS


Olivia DeBellis, Esq.

OD/kk
Encls.

Print

Check/Serial#: 5073

Account#: [REDACTED] 7562

Amount: 193.98

THIS CHECK IS VOID WITHOUT A COPIED BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

Forster & Garbus LLP
Attorneys at Law
P.O. Box 9030
Commack, NY 11725
Phone #: (631) 393-9400

Discover Trust Account
JP Morgan Chase Bank, N.A.
New York, NY

CHECK DATE	CHECK No.
04/20/15	5073
AMOUNT	
*****193.98	

One Hundred Ninety Three and 98/100 Dollars

VICTOR C CALLENDER
765 E 225TH ST APT 2B
BRONX, NY 10466-4200

[REDACTED] 56 2nd

015758093 04382815 >826883713< NEIGHBORHO

Print

Check/Serial#: 271332

Account#: [REDACTED] 7471

Amount: 10.21

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND AN ARTIFICIAL INTERFERENCE ON THE BACK. HOLD AT ANGLE TO VIEW

Forster & Garbus LLP
Attorneys at Law
P.O. Box 9030
Commack, NY 11725
Phone #: (631) 393-9400

Disbursements Account
JP Morgan Chase Bank, N.A.
New York, NY

CHECK DATE	CHECK No.
04/20/15	271332
AMOUNT	
*****10.21	

Ten and 21/100 Dollars

VICTOR C CALLENDER
765 E 225TH ST APT 2B
BRONX, NY 10466-4200

Mark A. Garbus

[REDACTED] 7471

[REDACTED]

015750094 04302015 >026003713< NEIGHBORHO